



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 23 2004

Erin Barnett
153 South Dixie Corporation
P.O. Box 18261
Casselberry, Florida 32718-2061

Subject: Site Rehabilitation Completion Order
153 South Dixie Corporation (Former AutoDoctor/Texaco Station)
153 South U.S. 1
Oak Hill, Volusia County
FDEP Facility ID# 649802981
Discharge Date: 1/29/02 (Non-Program)

Dear Ms. Barnett:

Volusia County Environmental Management (VCEM) Petroleum Cleanup Section has reviewed the Limited Contamination Assessment Report (LCAR) Addendum and No Further Action Proposal (NFAP) dated March 9, 2004 (received March 11, 2004), prepared and submitted by Carter Environmental Services, Inc. (CES) for the petroleum product discharge discovered at this site. Documentation submitted with the NFAP confirms that criteria set forth in Rule 62-770.680(1), Florida Administrative Code (F.A.C.), have been met. The NFAP is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for petroleum product contamination associated with the discharge listed above, except as set forth below.

- (1) In the event concentrations of petroleum products' contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of petroleum or petroleum product occurs at the site, the Florida Department of Environmental Protection (Department) may require site rehabilitation to reduce concentrations of petroleum products' contaminants of concern to the levels approved in the NFAP or otherwise allowed by Chapter 62-770, F.A.C.
- (2) Additionally, you are required to properly abandon all monitoring wells, except compliance wells required by Chapter 62-761, F.A.C., for release detection, within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the NFAP you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
 - (1) File a request for an extension of time to file a petition for hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
 - (2) File a petition for administrative hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Administrative Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from 153 South Dixie Corporation, shall mail a copy of the request to 153 South Dixie Corporation at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900

Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from 153 South Dixie Corporation, shall mail a copy of the petition to 153 South Dixie Corporation at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsections 120.54(5)(b)4. and 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the FDEP facility number, and the name and address of the facility;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable

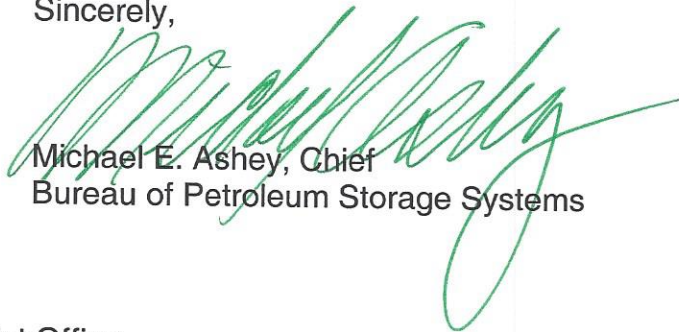
filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the clerk of the Department (see below).

Questions

Any questions regarding Volusia County Environmental Management (VCEM) Petroleum Cleanup Section's review of your NFAP should be directed to Jeff Spicola, P.G. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

The FDEP Facility Number for this site is 649802981 use this identification on all future correspondence with the Department or Volusia County Environmental Management (VCEM) Petroleum Cleanup Section.

Sincerely,

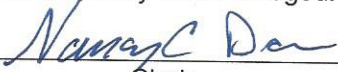


Michael E. Ashe, Chief
Bureau of Petroleum Storage Systems

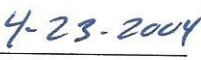
MEA/js

cc: Bret LeRoux, FDEP Central District Office
Grace Rivera, FDEP – BPSS
Jeff Spicola, P.G., Volusia County Environmental Management
James Carter, 4451-H Enterprise Court, Melbourne, FL 32934
File

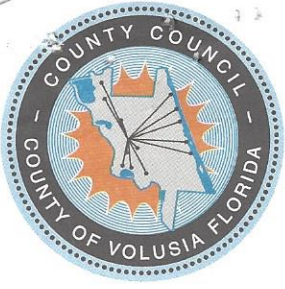
FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
§120.52 Florida Statutes, with the
designated Department Clerk, receipt
of which is hereby acknowledged.



Clerk
(or Deputy Clerk)



Date



County of Volusia

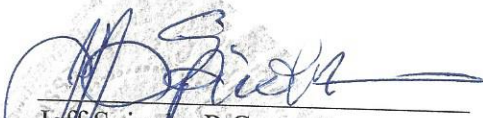
P.G. CERTIFICATION

Limited Contamination Assessment Report Addendum and No Further Action Proposal for 153 South Dixie Corp., (Former AutoDoctor/Texaco Station), 153 South U.S. 1, Oak Hill, FDEP Facility ID# 649802981.

I hereby certify that in my professional judgment, the components of this Limited Contamination Assessment Report Addendum and No Further Action Proposal satisfies the requirements set forth in Chapter 62-770, Florida Administrative Code (F.A.C.), and that the conclusions in this report provide reasonable assurances that the objectives stated in Chapter 62-770, F.A.C., have been met.

I personally completed this review.

This review was conducted by _____
working under my direct supervision.



Jeff Spicola, P.G.
Professional Geologist #0000756



Date

